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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Alexander Goen SZYNALSKI
Serial No. : 09/427,447
Filed : 27 Oct. 1999
Group Art : 3712
Examiner : Samuel RIMELL
Title : Stop Smoking Methods

Commissioner of Patents & Trademarks
Washington, DC 20231

Sir:

RESPONSE

Claims 1-20 are pending. Claims 1-20 have been rejected under §§ 101, 112 and 102(b). Reconsideration and allowance of the claims as amended is requested.

CLAIM REJECTIONS - 35 U.S.C. § 101

LOBELIA IS USEFUL

Claims 1-20 have been rejected under 35 U.S.C. §101 because "orally ingested lobeline has never been shown to be therapeutically effective in reducing a craving for smoking." This rejection appears based on information relating to FDA regulations, which information is out-of-date and thus potentially misleading to the Examiner. Viewed as a whole, the two references cited by the Examiner - FDA regulations and a patent to Schneider - actually show that lobelia is effective.